## THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

MINUTES OF MEETING

FEBRUARY 9, 2015 NEW ORLEANS, LOUISIANA

A meeting of the Louisiana State Board of Medical Examiners, pursuant to lawful notice, was duly convened and called to order at 8:30 a.m., Monday, February 9, 2015, by order of the President, at the offices of the Board, 630 Camp Street, New Orleans, Louisiana.

Board Members present as follows:

Mark Henry Dawson, M.D., President Kweli J. Amusa, M.D., Secretary-Treasurer Joseph D. Busby, Jr., M.D. Roderick V. Clark, M.D. Kenneth Barton Farris, M.D. Christy Lynn Valentine, M.D

Board Member absent as follows:

John Michael Burdine, M.D., Vice-President

The following members of the Board's staff were present:

Cecilia Ann Mouton, M.D., Executive Director Emily Diane Eisenhauer, M.D., Assistant Director of Investigations Thania Elliott, RN, Investigator Grace Hammons, Administrative Manager Lilly Rodgers, Administrative Program Specialist A Merian Glasper, Director of Licensure Rita L. Arceneaux, Executive Assistant

Legal counsel to the Board was present as follows:

Judge Frederick S. Ellis

John W. Greene Philip O. Bergeron

- 1. **Minutes of January 12, 2015 Meeting.** The Board reviewed the minutes of its meeting held on Monday, January 12, 2015. On the motion of Dr. Valentine duly seconded by Dr. Busby and passed by unanimous voice vote, the Board approved the minutes of the meetings with all necessary corrections.
- 2. Status Report on Action Items of Prior Board Meetings; Report on Assignments to Counsel. The Board noted the action items as assigned to staff and counsel from previous meetings. In connection with several requests for the approval of specialty boards in accordance with § 37:1285 A(32)(b)(ii) of the Medical Practice Act, the Board decided to form a subcommittee, consisting of Drs. Dawson, Clark and Amusa to draft the basic criteria for acceptance of specialty boards.
- 3. Rulings and Advisory Opinions; Use of Glucometers for Blood Glucose Monitoring. The Board reviewed correspondence received from R. Bruce Williams, M.D., FCAP, Laboratory Medical Director, Our Lady of Lourdes Regional Medical Center and Amy H. Landry, MT, ASCP, Supervisor of Laboratory Compliance, Our Lady of the Lake Regional Medical Center asking whether or not Louisiana licensed nurses, who meet the requirements prescribing by CLIA for the performance of high complexity testing are required to possess a clinical laboratory personnel ("CLP") license issued by the Board in order to continue to use glucometers for blood glucose monitoring of critically ill patients treated in the hospital setting. Following review and discussion of this matter, it was the consensus of the Board to inform Dr. Williams and Ms. Landry that inasmuch as since the adoption of the CLP Law, the use of blood glucose monitoring systems ("BMGS") has been designated as a "waived test" by CLIA, Louisiana law, and the Board's regulations and due to the unique circumstances relating to the reclassification of certain BMGS from "waived" to "high-complexity" testing, and provided that the nurse and hospital laboratory satisfy all CLIA requirements for high complexity testing, the Board will not require a clinical laboratory personnel license in this instance.
- 4. Rulings and Advisory Opinions; Athletic Trainers; Scope of Practice. The Board reviewed correspondence received from Ashante Simms, AT, regarding the practice setting for athletic trainers, specifically whether athletic trainers would be able to work in a corporate setting. Following review and discussion, it was the consensus of the Board to advise Ms. Simms the Louisiana Athletic Trainers Law does not authorize athletic trainers to offer services to the public in general or athletes at large, rather such practice is limited to athletes of an educational institution, professional athletic or other Board approved organization and athletic events sponsored by these institutions and organization in accordance with the physical modalities prescribed by the team or consulting physician.

- 5. Communication and information; Louisiana State Board of Optometry Examiners; Rule Amendments. The Board reviewed the rule amendments of the Louisiana State Board of Optometry Examiners as re-noticed in the December 20, 2014 of the *Louisiana Register*. No further action was required or taken on this matter.
- **6.** Communication and information; Louisiana Department of Insurance; Annual Conference. The Board reviewed information received from the Louisiana Department of Insurance, on their 2015 annual health care conference scheduled for March 10, 2015 in Baton Rouge. No further action was required or taken on this matter.
- 7. General Administrative Matters; President's Report. The Board received the report of its President on his activities since the last meeting of the Board. Dr. Dawson reported on the meeting with the Louisiana State Board of Physical Therapy Examiners ("LPTB") relative to a number of issues of mutual concern, particularly the statement issued by their Board concerning the Louisiana Board of Elementary and Secondary Education's (BESE) *injury management program rules for serious sports injuries* and the opinion of the Board regarding this matter. Following the report, it was the consensus of the Board to reiterate to the LPTB the Board's opinion on this matter as previously communicated.
- 8. General Administrative Matters; Executive Director's Report. The Board received the report of its Executive Director on her activities since the last meeting of the Board. Dr. Mouton reported that the computer programmers had been let go and a new company had been hired and they would have the online renewal system up and running in six to eight weeks and that a rough draft of the changes to the Acupuncturist Assistants Law had been reviewed. She concluded her report stating that she would be meeting with the Telehealth Task Force and would give a report at a subsequent meeting.
- **9. General Administrative Matters; House Concurrent Resolution (HCR") 88.** The Board reviewed HCR 88 of the 2014 Legislative Session, which called for the creation of a Task Force on Telehealth Access. No further action was required or taken on this matter.
- 10. General Administrative Matters; House Concurrent Resolution ("HCR") 99; Overprescribing of Pain Medication to Physician. The Board noted that HCR 99 of the 2014 Legislative Session urged the Board to study the problem of over-prescribing of pain medications by physicians and report findings and recommendations with the input of the Louisiana State Board of Pharmacy. A draft of the report was presented to the Board for initial review at the January 2015. The final report was presented for approval. Following review and discussion, the Board approved the final report, with the necessary correction, for submission to the Legislative Committee on Health and Welfare.
- 11. General Administrative Matters; Prescription Monitoring Advisory Council. The Board reviewed the report of the Prescription Monitoring Advisory Council guarterly meeting held

January 21, 2015, held in Baton Rouge at the offices of the Louisiana State Board of Pharmacy. No further action was required or taken at this time.

- **12. General Administrative Matters**; *Newsletter*; **Draft.** The Board reviewed a copy of the next issue of the *Newsletter*. No further action was required or taken on this matter.
- 13. General Administrative Matters; Federation of State Medical Boards ("FSMB"); Interstate Medical Licensure Compact. The Board reviewed the Interstate Medical Licensure Compact Final Version prepared by the Medical Licensure Compact Taskforce of the FSMB and the response prepared informing the FSMB that the Board would not be endorsing the proposal at this time. Following review and discussion, it was the consensus of the Board to approve dissemination of its response to the FSMB on this matter.

## 14. General Administrative Matters; Financial Reports.

<u>Financial Statement</u>- The Board reviewed a statement on the revenue and expenses for the period ending November 30, 2014 and approved all expenditures as noted therein. The Board also reviewed the status of investments as of November 30, 2014. The Board also reviewed a balance sheet and income statement for Clinical Laboratory Personnel for the period ending November 30, 2014 and approved all expenditures as noted therein. The Board also reviewed the status of investments for Clinical Laboratory Personnel as of November 30, 2014.

## 15. Rules and Regulations.

- a. Final Rules/Amendments: None published since the last meeting of the Board.
- b. Rules/Amendments Noticed of Intent Physicians and Surgeons Collaborating Physicians: The Board expressed a desire to consider the development of rules relative to physicians who collaborate with advanced practice registered nurses. A draft was prepared by staff for initial consideration at its October 2013 meeting. A revised draft incorporating comments and suggestions was considered by the Board at its December 2013 meeting. Following review and discussion, it was the consensus of the Board to preview the draft to several professional organizations (the Louisiana State Medical Society, the Louisiana Medical Association and the Louisiana Academy of Family Physicians) and the Louisiana State Board of Nursing. Revised drafts incorporating suggestions were reviewed by the Board at its March 2014 meeting at which time the Board voted to approve the draft pending the receipt of suggestions for one organization yet to respond. Additional revisions were offered by the Board during its May 2014. The Board reviewed the suggested changes offered at the May 2014 meeting along with suggestions of staff. Following consideration and discussion of the latest revised draft at its June 2014 meeting, the Board approved publication of a Notice of Intent to adopt the rules in the Louisiana Register. Said Notice of Intent appeared in the August 2014 issue of the Louisiana Register. A number of written comments were received during the comment period and a public hearing was held

on Wednesday, September 24, 2014 to receive comments, view, arguments and data on the proposed rules. Following further discussion at its January 2015 meeting, the Board decided that in lieu of proceeding with this rulemaking effort that it would instead reach out to its counterparts at the Board of Nursing with the aim of developing joint guidelines on the topic of collaboration. Physicians and Surgeons -Unprofessional Conduct: During its April 2013 meeting, the Board expressed a desire to consider the development of rules correlating a physician representing himself/herself as a specialist in a particular field of practice without appropriate formal training in that field. Pursuant to the Board's directions, a draft was submitted for initial review and discussion at its August and September 2013 meeting. The draft also includes a prohibition against physician prescribing of controlled substances to one's self or immediate family members in the absence of an emergency. At its October 2013 meeting, the Board decided to defer that part of the proposed rule dealing with self-prescribing and to provide Notice of Intent to adopt the rules. Staff presented additional information concerning physician's self/immediate family prescribing of controlled substances. Following consideration and discussion of the latest revised draft at its June 2014 meeting, the Board approved publication of a *Notice of Intent* to adopt the rules in the Louisiana Register, Said Notice of Intent appeared in the October 2014 edition of the Louisiana Register. Comments received during the comment period were included for the Board's consideration. The Board reviewed the comments received during the comment period and following review and discussion, on the motion of Dr. Amusa, duly seconded by Dr. Farris and passed by unanimous voice vote, the Board voted to accept certain of the comments and make the necessary Inasmuch as the changes were considered changes to the proposed rules. substantive, a Notice of Intent was required and scheduling of a public hearing. The substantive changes appeared in the January edition to the Louisiana Register noting a public hearing was scheduled for February 26, 2015. At the February 2015 meeting, the Board discussed the current status of the rule project. The Potpourri hearing that was noticed was postponed to discuss additional changes. Occupational Therapy: The Occupational Therapy Advisory Committee has proposed a number of amendments to the Board's rules respecting occupational therapists. Following review by staff and a number of revisions to conform the rules to the law, a revised draft was returned to the Committee Chair for review. Minor substantive suggestions for revision or modification were received and incorporated into the draft. In sum, the proposed amendments update the rules generally, insert additional language provided in the law, update definitions and practice standards, rearrange various provisions and delete others that are no longer needed. The initial draft was presented for Board consideration at its July 2014 meeting. A revised draft incorporating additional changes was presented at the August 2014 meeting at which time the Board approved providing a Notice of Intent in the Louisiana Register. Such Notice of Intent appeared in the October 2014 edition of the Louisiana Register. Comments received during the comment period were included for the Board's consideration. Following a review of the comments received, on the motion of Dr. Amusa, duly seconded by Dr. Valentine,

the Board voted to forward the comments to the OT Advisory Committee for their input. The Committee's input will be presented for consideration in due course. Telemedicine: Act 442 of the 2014 Legislative Session, which amended R.S. 37:1271 of the Medical Practice Act necessitates various changes to the Board's existing Telemedicine Rules. Preliminary suggestions were presented to the Board at its July 2014 meeting and a revised draft was presented at its August 2014 meeting at which time the Board authorized publication of a Notice of Intent to adopt the amendments. Said Notice of Intent appeared in the October 2014 edition of the Louisiana register. The Board reviewed the comments received during the comment period and following review and discussion, on the motion of Dr. Amusa, duly seconded by Dr. Farris and passed by unanimous voice vote, the Board voted to accept certain of the comments and make the necessary changes to the proposed rules. Inasmuch as the changes were considered substantive, a Notice of Intent was required and scheduling of a public hearing. The substantive changes appeared in the January edition to the Louisiana Register noting a public hearing is scheduled for February 26, 2015. The Potpourri hearing that was noticed was postponed to discuss additional changes. Physician Assistants: During the October 2014 meeting, the Board elected to undertake a rulemaking effort to remove the co-signature requirement for PA services from its existing rules and replace it with alternative methods of physician oversight (e.g., chart review) based on experience and changes in a PA's major area of practice. The Board reviewed suggestions for a form of amendment based on comments received during the October 2014 meeting and direction from the Board's President and suggestions offered by the Louisiana Academy of Physician Assistants ("LAPA"). At its December 2014, the Board considered suggestions based on the discussions at its October meeting and direction from the President, along with separate suggestions offered by the LAPA. Following discussion and further suggested modifications to the draft at its January 2015 meeting, the Board elected to provide Notice of Intent to adopt the amendments.

c. Rules/Amendments Under Development: Midwifery: The Board reviewed the initial draft of rule amendments to the existing rules governing licensed midwife practitioners. The amendments incorporate changes made to the Louisiana Midwifery Practice Act during the 2012 session of the Legislature, update the rules generally and rearrange sections for ease of reference. The amendments were presented for initial review at the Board's December 2014 meeting. The Board further reviewed and discussed the proposed changes at its January and February 2015 meetings. Physician Compounding Medication: At its December 2014 and January 2015 meetings, the Board reviewed Emergency Rules adopted by the Louisiana Board of Pharmacy to reflect certain changes in federal law concerning compounded medication. Following review and discussion, the Board elected to undertake a rulemaking effort as to physicians who compound medication in order to insure consistency with federal and state law and regulations.

- **[16.] Minutes of January 12, 2015; Executive Sessions**. On the motion of Dr. Valentine, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board convened in executive session to review the minutes of its executive sessions conducted during the meeting of January 12, 2015. Following review and discussion, the Board resumed in open session and on the motion of Dr. Clark, duly seconded by Amusa, and passed by unanimous voice vote, approved the minutes of the executive sessions conducted during its meeting of January 12, 2015 with any necessary corrections.
- [17.] Report on Pending Litigation. On the motion of Dr. Valentine, duly seconded by Dr. Clark, the Board convened in executive session to receive the report of legal counsel on pending litigation to which the Board was a party and the status of proceedings for judicial review of prior Board decisions, La. Rev. Stat. § 42:17A(2). No further action was required or taken on this matter.
- **[18.] Personal Appearances/Docket Calendar**. Continuing in executive session, the Board reviewed the calendar of personal appearances and docketed hearings, as matters relating to the character and professional conduct of a licensee and allegations of misconduct, La. Rev. Stat. 42:17 A(1), (4). No further action was required or taken on this matter.
- **[19.] Investigative Reports.** On the motion of Dr. Valentine, duly seconded by Dr. Burdine, the Board convened in executive session, to consider the investigative reports as matters relating to the character and professional conduct of a licensee, and allegations of misconduct, La. Rev. Stat. §42:17A(1) and (4). Following review and discussion the Board resumed in open session. Upon motion made, duly seconded and passed by unanimous voice vote, the Board approved the following:
  - a. <u>Consent Orders:</u> The following Consent Orders were accepted:

Catherine Teresa Danos, CLP, Docket No., 14I-971
Lisa Smith Hodges, M.D., Docket No., 10-I-887
Judy Combs Limbaugh, M.D., Docket No., 14-I-967
Shirley L. Bang, CLP-SPE, Docket 14-I-979
Tho Thi Pham, CLP-SPE, Docket No., 14-I-982
Thuy-Van Aimee Nguyen, CLP-SPE, Docket No., 14-I-970
David Jay Robbins, CLP-SPE, Docket No., 14-I-972
Kiranbhai Ramanbhi Patel, CLP-SPE, Docket No., 14-I-977
Erica Elaine Rivers, CLP-SPE, Docket No., 14-I-974
Erin Elizabeth Grefer, CLP-SPE, Docket No., 14-I-978
Timothy Joseph Dodson, CLP-SPE, Docket No., 14-I-983
Vanessa Sherice Dean, CLP-SPE, Docket No., 14-I-974
Enjoli Monique Smith, CLP-SPE, Docket No., 14-I-973

Tianjian Chen, CLP-SPE, Docket No., 14-I-988 Jennifer Anne Smith, CLP-SPE, Docket No., 14-I-1065 Teriyaki La'Qwan Conner, CLP-SPE, Docket No., 14-I-981 Tristin Lenore Connolly, Ath, Docket No., 14-I-1023

b. <u>Consent Orders</u>: The following Consent Orders were withdrawn from consideration:

Docket No., 14-I-626 Docket No., 14-I-795

c. Cease and Desist: The following matter was handled with a Cease and Desist Order

Docket No., 14-I-947

d. <u>Close/Dismissed</u>: The following matter was closed/dismissed with a Letter of Concern:

Docket No., 14-I-1053

e. Close/Dismissed: The following matter was closed/dismissed:

Docket No., 13-I-555

- f. Closed Complaint Cases: The Board reviewed the Closed Complaint Cases Report.
- g. <u>Interim Action</u>: The Board approved the Interim Action that had been handled by the President:

Docket No., 14-I-572

- **[20.] Professional Liability Report.** On the motion of Dr. Valentine, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board convened in executive session to consider the report of Dr. Eisenhauer, on professional liability cases reviewed since the last meeting of the Board as matters relating to the character and professional conduct of a licensee and allegations of misconduct, La. Rev. Stat. § 42:17A(1) and (4). No further action was required or taken on these matters.<sup>1</sup>
- [21.] General Disciplinary Matters. On the motion of Dr. Farris, duly seconded by Dr. Clark, the Board convened in executive session to consider the requests relating to the execution or

<sup>&</sup>lt;sup>1</sup>Dr. Clark recused himself from consideration of this matter.

modification of a Decision and/or Consent Order as matters relating to the character and professional conduct of licensees, pursuant to La. Rev. Stat. §42:17A(1) and (4). Following review and discussion, the Board resumed in open session and upon motion made and passed by unanimous voice vote, took the following actions:

- a. <u>Crochet, Frances Kathryn, PA</u> To approve the request of Frances Kathryn Crochet, PA, for reinstatement of her license to a full, unrestricted status, off probation in accordance with the terms of her Consent Order.
- b. <u>Thibodaux</u>, <u>Jenny Renee</u>, <u>CRT</u> To approve the request of Jenny Renee Thibodaux, CRT, for reinstatement of her license to a full, unrestricted status, off probation in accordance with the terms of her Consent Order.
- c. <u>Lynch-Ballard, Eileen, M.D.</u> To approve the request of Eileen Lynch-Ballard, M.D., for reinstatement of her license to a full, unrestricted status, off probation.
- d. <u>Allied Heath Monitoring Report</u> To note receipt of the Allied Health Monitoring Report showing the active participants in the program.
- e. <u>Enforcement Indicators</u> To note the end of the year statistics showing the actions taken for 2015.
- [22.] Licensure and Certification; Podiatry. On motion of Dr. Farris, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine application for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, approved the following provided all requirements had been met:

## Robertson, Taylor August, DPM

**[23.]** Licensure and Certification; Physicians and Surgeons; U.S./Canadian Medical Graduates. On motion of Dr. Busby, duly seconded by Dr. Valentine and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine applications for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, approved the following non-routine applicants for licensure provided all requirements had been met:

Ali, Ronnie, DO Annichiarico, Joseph N., DO Pitzer, Neil Lewis Roy, Brandy Doninic Moran, Kate Rose

Stanchina, Michael Lawrence

**[24.]** Licensure and Certification; Physicians and Surgeons; Foreign Medical Graduates. On motion of Dr. Farris, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine applications for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote approved the following for licensure provided all requirements had been met:

Choksi, Nishit Arvind

**[25.]** Licensure and Certification; Other Licensure Matters; Reinstatement/Relicensure. Upon the motion of Dr. Amusa, duly seconded by Dr. Valentine and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine application for reinstatement as a matter of the character, professional competency, or physical or mental health of an applicant pursuant to La. Rev. Stat. 42:17A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, approved the application of the following for reinstatement:

Gutierrez-Hevia, Carlos Marcelos, M.D.

- **[26.] Physicians Health Program**. On the motion of Dr. Farris, duly seconded by Dr. Busby and passed by unanimous voice vote, the Board convened in executive session to receive the report of Louis Cataldie, M.D., Medical Director, Physicians' Health Foundation ("PHP") on the participants in the Physicians' Health Program who were either appearing before the Board or had matters before the Board for review and discussion, as matters relating to the character and professional conduct and allegations of misconduct of a licensee, La .Rev. Stat.§ 42:17A(1) and (4). No further action was required or taken on this matter.
- [27.] General Disciplinary Matters; Personal Appearance; Edward F. Pitard, M.D. On the motion of Dr. Busby, duly seconded by Dr. Valentine and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Edward F. Pitard, M.D., as a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La .Rev. Stat.§ 42:17A(1) and (4). Dr. Pitard appeared before the Board in connection with his request for early reinstatement of his license to a full, unrestricted status, off probation. Following his dismissal, the Board resumed in open session and upon the motion of Dr. Amusa, duly seconded and passed by unanimous voice vote, deferred action on his request pending receipt of additional information.
- **28. Next Meeting of Board**. The President reminded the members that the next meeting of the Board was scheduled for March 16, 17, 2015.

Upon motion made, duly seconded and passed by unanimous voice vote, the meeting adjourned at 2:00 p.m., on Monday, February 9, 2015.

I HEREBY CERTIFY that the foregoing is a full, true and correct account of the proceedings of the meeting of the Louisiana State Board of Medical Examiners, save for executive session of the Board conducted therein, held on February 9, 2015 as approved by the Board on the 16<sup>th</sup> day of March, 2015.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 16<sup>th</sup> day of March, 2015.

	Kweli J. Amusa, M.D.
	Secretary-Treasurer
Attest:	
	Mark Henry Dawson, M.D. President